

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #10	CCRB Case #: 202003692	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 05/29/2020 8:00 PM	Location of Incident: Pacific Street at Flatbush Avenue	Precinct: 78	18 Mo. SOL 11/29/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 05/30/2020 12:04 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 05/30/2020 12:04 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Vincent Dandraia	27309	957510	QM SEC
2. DI Craig Edelman	00000	932592	DB GVSD

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Omar Birchwood	00000	945512	NARCBBN
2. COD Terence Monahan	00000	876747	CD OFF

Officer(s)	Allegation	Investigator Recommendation
A.POM Vincent Dandraia	Force: Police Officer Vincent Dandraia used physical force against § 87(2)(b)	
B.POM Vincent Dandraia	Abuse: Police Officer Vincent Dandraia interfered with § 87(2)(b)'s use of a recording device.	
C.POM Vincent Dandraia	Abuse: Police Officer Vincent Dandraia damaged § 87(2)(b)'s property.	
D.POM Vincent Dandraia	Off. Language: Police Officer Vincent Dandraia made offensive remarks to § 87(2)(b) regarding perceived mental health.	
E.POM Vincent Dandraia	Discourtesy: Police Officer Vincent Dandraia spoke discourteously to § 87(2)(b)	
F.POM Vincent Dandraia	Off. Language: Police Officer Vincent Dandraia made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
G.POM Vincent Dandraia	Force: Police Officer Vincent Dandraia used physical force against § 87(2)(b)	
H.POM Vincent Dandraia	Abuse: Police Officer Vincent Dandraia did not obtain medical treatment for § 87(2)(b)	
I.DI Craig Edelman	Abuse: Deputy Inspector Craig Edelman did not obtain medical treatment for § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

### Case Summary

On May 30, 2020, § 87(2)(b) a reporting non-witness, filed this complaint with the CCRB online, on behalf of § 87(2)(b). Reporting non-witnesses filed numerous duplicate complaints (BR19). This case was placed on DA hold per the request of the King's County District Attorney's Office from June 9, 2020, until February 7, 2022. The CCRB investigation into this complaint was further delayed due to Police Officer Vincent Dandraia's criminal court proceedings, which did not conclude until September 6, 2022, § 87(2)(b).

On June 29, 2022, this case was reassigned from Investigative Manager Maura R. Roche to Supervising Investigator Jessica Russo.

On May 29, 2020, at approximately 8 p.m., in the vicinity of Pacific Street and Flatbush Avenue in Brooklyn, § 87(2)(b) was participating in a Black Lives Matter protest. As Police Officer Vincent Dandraia and Deputy Inspector Craig Edelman, both of the 73<sup>rd</sup> Precinct (PO Dandraia has been reassigned to the Quarter Master Section; Deputy Inspector Edelman has been reassigned to the Gun Violence Suppression Division), walked down Pacific Street, § 87(2)(b) approached PO Dandraia. When § 87(2)(b) lifted her phone toward PO Dandraia to record a video, PO Dandraia "slapped" the phone out of her hand (**Allegation A: Force-Physical Force**, § 87(2)(g) (**Allegation B: Abuse of Authority-Interference with Recording Device**, § 87(2)(g) § 87(2)(b)'s phone fell to the ground and was allegedly damaged (**Allegation C: Abuse of Authority-Property Damaged**, § 87(2)(g) When lifting her hands in the air, PO Dandraia allegedly called § 87(2)(b) a "Stupid, fucking, bitch," and pushed her backwards (**Allegation D: Offensive Language-Other**, § 87(2)(g) (**Allegation E: Discourtesy-Word**, § 87(2)(g) (**Allegation F: Offensive Language-Gender**, § 87(2)(g) (**Allegation G: Force-Physical Force**, § 87(2)(g) § 87(2)(b) fell to the ground. PO Dandraia and Deputy Inspector Edelman continued walking after § 87(2)(b) hit the ground. Neither officer stopped to assess her injuries or obtain medical attention for her (**Allegation H: Refusal to obtain medical attention**, § 87(2)(g) **Allegation I: Refusal to obtain medical attention**, § 87(2)(g) § 87(2)(g).

Chief Terence Monahan, former Chief of the Department, was also present for this protest.

§ 87(2)(g), § 87(4-b)

§ 87(2)(b) was not arrested or issued a summons as a result of this incident. PO Dandraia was arrested as a result of this incident, § 87(2)(b) (BR20).

The investigation obtained multiple cell phone videos capturing the same video from different angles. The videos most relevant to this investigation will be discussed below (BR01, BR02, BR03).

This case was added to the sensitive case list on June 6, 2020 (BR21), due to extensive media coverage (BR22).

### Findings and Recommendations

**Allegation (A) Force: Police Officer Vincent Dandraia used physical force against § 87(2)(b).**

**Allegation (B) Abuse of Authority: Police Officer Vincent Dandraia interfered with § 87(2)(b)'s use of a recording device.**

**Allegation (C) Abuse of Authority: Police Officer Vincent Dandraia damaged § 87(2)(b)'s property.**

§ 87(2)(b) recorded a nine second cell phone video during this incident (BR01), which

captures her initial interaction with PO Dandraia. The video opens with § 87(2)(b) facing PO Dandraia and Deputy Inspector Edelman, who are walking side-by-side toward her. § 87(2)(b) is walking backward as the officers approach. At the 00:06 mark, PO Dandraia tells § 87(2)(b) that she has to get off the street. § 87(2)(b) asks, “why?” as PO Dandraia walks closer to her. PO Dandraia immediately brings his right hand toward § 87(2)(b)’s phone, after which the video concludes.

Another cell phone video obtained from Twitter (**BR02**), captures PO Dandraia’s contact with § 87(2)(b)’s phone. The video begins with a crowd of people walking on the south side of Pacific Street, toward 4<sup>th</sup> Avenue. PO Dandraia, Deputy Inspector Edelman, and other officers are walking on street, among a crowd of civilians, who are on the sidewalk and the street. At the 00:01 mark, § 87(2)(b) is face-to-face with PO Dandraia, walking backwards, as he walks forward. PO Dandraia brings his right arm downward, in a striking motion. Deputy Inspector Edelman turns his head to the right during the encounter with § 87(2)(b) which took place on his left side—thus obstructing his view of the exchange.

§ 87(2)(b) recorded a cell phone video when she was taken to the hospital after her encounter with PO Dandraia (**BR03**). In the video, § 87(2)(b) explains that she was peacefully protesting with a group of people in front of a “crowd” of officers, when one of the protesters threw a bottle, causing the officers to “stampede” toward the civilians. § 87(2)(b) began recording the incident. As she was “running backwards,” PO Dandraia pushed her phone. She asked him, “why?”, as she was not the individual who threw the bottle. § 87(2)(b) states that she was not aggressive.

§ 87(2)(b)’s attorney, Aymen Aboushi, declined to have § 87(2)(b) provide a statement to the CCRB regarding this incident.

In her statement to the Internal Affairs Bureau regarding this incident (**BR04**), § 87(2)(b) stated that she was attending a peaceful protest by the Barclays Center regarding George Floyd’s death. After peacefully protesting for about 30 minutes, a group of more than 20 police officers began “stampeding” toward the crowd of people where § 87(2)(b) was standing. § 87(2)(b) later heard that someone threw a bottle, but she had not been aware of that when the officers approached her. § 87(2)(b) began recording the incident, running backwards and facing the officers. The officers told the protesters that they had to move. When PO Dandraia walked closer to § 87(2)(b) he told her to move. § 87(2)(b) asked him, “why?” Instead of answering her, PO Dandraia “slapped” her hand, which was holding her cell phone. § 87(2)(b) did not say anything other than, “why,” and had not come into physical contact with PO Dandraia. § 87(2)(b) looked down at her phone and saw cracks on the corners. § 87(2)(b) did not specify if her phone fell on the ground.

PO Dandraia (**BR05**) stated that prior to arriving to the protest, which he described as a “riot,” he heard radio transmissions of officers begging for their lives and noting the dangerous conditions of the demonstration—including that people were throwing bottles, bricks, and knives at officers, and setting things on fire. Upon arrival at a rally point, which was about seven blocks away from the Barclays Center, PO Dandraia observed a large amount of people walking in multiple directions, holding signs. After a few hours, videos documenting the events closer to the Barclays Center emerged, capturing people kicking officers and throwing knives at them. Soon after the videos emerged, PO Dandraia observed the events in the videos in person.

After the videos emerged, an officer requested back up near the Barclays Center, indicating that the conditions had worsened. There were hundreds of civilians on the street, versus about 20 to 30 officers, hindering vehicles and ambulances from passing through, which required PO Dandraia to park his car in the middle of Flatbush Avenue and walk with Deputy Inspector Edelman on foot. The officers needed to clear the streets to allow EMTs to aid potentially injured individuals near the Barclays Center. Civilians issued verbal threats to the officers and threw objects. PO Dandraia was personally struck with a bottle and food. He also picked up several switchblade knives off the ground. The officers were unaware of the severity of the demonstration conditions prior to responding; therefore, they did not have protective gear.

After walking along the protest for a few minutes, § 87(2)(b) stepped off of the sidewalk

and approached PO Dandraia on his left side, at an approximate 45 degree angle. PO Dandraia did not know if § 87(2)(b) was a male or a female upon initial approach but was able to assess that she was smaller in stature than him. PO Dandraia told § 87(2)(b) to get out of the street multiple times, but she did not comply, walking alongside PO Dandraia on the street. § 87(2)(b) made statements to PO Dandraia, including “Fuck the police,” and “ACAB,” or “All cops are bastards.” § 87(2)(b) stepped in front of PO Dandraia, pulled out an unknown object—which he later learned was her cell phone—and brought it toward PO Dandraia’s face, almost touching him. Given that PO Dandraia did not know what the object was, including whether it was a weapon, he used his right arm, with an open hand, and swiftly moved it across to the left side, in a swiping motion. PO Dandraia’s hand made contact with the phone to move it away from his face. The contact knocked the phone out of her hand. PO Dandraia did not see what happened to the phone or how it landed. PO Dandraia did not see any cracks or damages to § 87(2)(b)’s cell phone. As he did not know what the object was, he was not aware that § 87(2)(b) was attempting to record him.

Deputy Inspector Edelman (**BR06**) stated that when he was first alerted to respond to the protest, he was informed that he may be needed for crowd control but that the protest was non-violent. Upon responding to the staging location, where several other officers gathered, he saw random protestors walking by and heading to a larger demonstration. After about two hours, a radio report indicated that the protestors in front of the Barclays Center were becoming violent, that there were possibly fires being set, and the protest was turning into a riot. Deputy Inspector Edelman observed that the protestors were in the streets and were blocking vehicular and pedestrian traffic. Protestors were yelling and screaming at officers and were throwing objects at officers including bottles, milk bottles, bricks, batteries, water, and other objects. Protestors were also using vulgar language toward officers, which Deputy Inspector Edelman did not specifically recall. Loudspeakers were projecting commands for the protestors to disperse with the caveat that if they did not leave the area, they would be arrested. Given the protestors’ violent behavior, and their refusal to comply with the commands to disperse projected over the loudspeakers, officers gave them verbal commands to disperse as they walked toward protestors.

Deputy Inspector Edelman and PO Dandraia started to walk on Pacific Street. There were about 20 officers, versus hundreds of civilians, which was a safety concern, as protestors continued throwing objects at the officers and surrounded them. While he was looking around, Deputy Inspector Edelman noticed a female he later learned was § 87(2)(b) walking five to 10 feet in front of him and PO Dandraia, who was to his side. § 87(2)(b) was in the street and was not clearing the area. Deputy Inspector Edelman did not recall his impression of § 87(2)(b)’s build, but he noted that she was smaller in stature than PO Dandraia. He could not recall if § 87(2)(b) was holding anything in her hands or if she was recording the incident. PO Dandraia told § 87(2)(b) to get out of the street, but Deputy Inspector Edelman could not recall if he independently recalled this or if this was based on the video. While PO Dandraia was interacting with § 87(2)(b) Deputy Inspector Edelman constantly turned his head to survey the area for potential threats. Therefore, he was not paying close attention to the interaction between PO Dandraia and § 87(2)(b).

Chief Terence Monahan was interviewed in regard to the larger protest occurring at the Barclays Center. He did not witness this particular portion of the protest. Chief Monahan (**BR27**) stated that prior to responding to the protest at the Barclays Center, he learned from flyers and advertising that there would be a gathering of thousands of protesters at the Barclays Center that day. When he initially arrived, at approximately 4:00 p.m., he observed a large gathering of civilians, ranging between 500 to 1,000 people, and approximately 150 officers. At that time, there were no crowd control issues. By 6:00 p.m., thousands of civilians had arrived at the demonstration at the Barclays Center. The crowd in front of the protest became unruly, setting off fireworks and throwing multiple objects, including water bottles, bottles with unknown substances, screws, bolts, and other objects. The crowd also sprayed various substances at the NYPD officers standing at the front line and set fires in the immediate area. Given the actions of the crowd, the protest was determined to be an unlawful assembly.

At approximately 8:00 p.m., SRG (Strategic Response Group) officers cleared civilians standing in the street on Flatbush Avenue, including arrested protestors standing in the street on and near Flatbush Avenue. On Flatbush Avenue between Pacific Street and Fifth Avenue, there was “pushing and shoving” between police and civilians, as police pushed against civilians to disperse the crowd.

Captain Omar Birchwood prepared Threat, Resistance, and Injury Report § 87(2)(b) summarizing PO Dandraia’s with § 87(2)(b). The details of the report note that, when interviewing PO Dandraia regarding the video of him pushing § 87(2)(b), PO Dandraia stated that he asked § 87(2)(b) to proceed to the sidewalk and she refused. As she continued walking toward him, § 87(2)(b) placed her phone in close proximity to his face.

§ 87(2)(b) (BR28) summarizes the general conditions of the crowd and requests for back up on May 29, 2022. At 8:03 p.m., it is noted that bottles are being thrown. At 8:05 p.m., it is noted that an officer is injured, with a possibly broken leg. At 8:12 p.m., it is noted that garbage is still being thrown. Additional calls for back up and updates on the conditions of the protest continue until around 11 p.m.

Per Penal Law 240.10 (BR 29), a person is guilty of unlawful assembly when they assemble with four or more other persons for the purpose of engaging or preparing to engage with them in tumultuous and violent conduct likely to cause public alarm, or when, being present at an assembly which either has or develops such purpose, they remain there with intent to advance that purpose.

Patrol Guide Procedure 221-01 states that when determining if force is reasonable, uniformed members of service should consider the following: “The nature and severity of the crime/circumstances, Actions taken by the subject, Duration of the action, Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, Whether the subject is actively resisting custody, Whether the subject is attempting to evade arrest by flight, Number of subjects in comparison to the number of MOS, Size, age, and condition of the subject in comparison to the MOS, Subject’s violent history, if known, Presence of hostile crowd or agitators, Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.” (BR08).

Patrol Guide Procedure 221-02 states that when a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with P.G. 221-01 and do the following: Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody and utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, among other additional steps (BR09).

Administrative Guide 304-21 states that individuals have a right to lawfully observe and/or record police activity, such as detainments and arrests, in public places, such as streets and sidewalks. Officers are prohibited from intentionally preventing an individual from recording police activities. However, officers may limit an individual’s right to observe and/or record police action for reasons such as the safety of officers or when a violation of law is committed by the individuals (BR11).

It was undisputed that there was a large protest with a heavy police presence concentrated around the Barclays Center and that the protestors generally outnumbered officers. It was also undisputed that during the course of the evening, protestors were walking in the street and blocking traffic, refusing to disperse, and throwing objects at officers. In turn, the protest was determined to be an unlawful assembly.

While § 87(2)(b) denied throwing anything during the protest, it was undisputed that she was in the street and refused to leave after PO Dandraia instructed her to do so. § 87(2)(b) stated that she was filming PO Dandraia, with her cell phone pointed toward his face, when he slapped the phone out of her hand. However, PO Dandraia stated that he did not know what § 87(2)(b) was holding, thought that it may have been a weapon, and was concerned for his safety, as he was

outnumbered and needed to respond to other officers and protestors in distress at the Barclays Center. Although Deputy Inspector Edelman briefly took note of an interaction between PO Dandraia and § 87(2)(b) he was not focused on them as he was canvassing the area for other threats.

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Offensive Language: Police Officer Vincent Dandraia made offensive remarks to § 87(2)(b) regarding perceived mental health.**

**Allegation (E) Discourtesy: Police Officer Vincent Dandraia spoke discourteously to § 87(2)(b).**

**Allegation (F) Offensive Language: Police Officer Vincent Dandraia made remarks to § 87(2)(b) based upon the gender of § 87(2)(b).**

**Allegation (G) Force: Police Officer Vincent Dandraia used physical force against § 87(2)(b).**

**Allegation (H) Abuse of Authority: Police Officer Vincent Dandraia did not obtain medical treatment for § 87(2)(b).**

**Allegation (I) Abuse of Authority: Deputy Inspector Craig Edelman did not obtain medical treatment for § 87(2)(b).**

The cell phone video obtained from Twitter (**BR02**) captures this portion of the incident. The video begins with a crowd of officers and civilians walking on the south side of Pacific Street, toward 4<sup>th</sup> Avenue. PO Dandraia, Deputy Inspector Edelman, and approximately five officers are walking on street, among a crowd of about 30 civilians, who are on the sidewalk and the street. The civilians are walking at a normal pace with officers southbound. There is no physical contact captured between any officers and protestors. At the 00:01 mark, Deputy Inspector Edelman turns his head around toward the crowd behind him. At the 00:03 mark, § 87(2)(b) has her right arm bent and pulled backward, with her elbow behind her body. PO Dandraia immediately uses his two arms, with open hands, to move forward and push § 87(2)(b) backwards by pressing on her chest with force. A screenshot captures this moment (**BR23**). § 87(2)(b) takes two to three large steps back, is momentarily air born at 00:04 seconds, with both feet off the ground, and falls on the ground by the curb, landing on her buttocks. PO Dandraia looks in § 87(2)(b)'s direction as she hits the ground (a screenshot captures this moment (**BR24**)), after which he walks away. The push begins when § 87(2)(b) is standing on the white line demarking the bike lane, and the force of the push moves her back to the curb, approximately six feet.

§ 87(2)(b) positions herself on her right side, in the fetal position. Deputy Inspector Edelman is behind PO Dandraia when the push occurs and walks behind PO Dandraia as he continues with the protest. It is not clear if Deputy Inspector Edelman sees § 87(2)(b) on the ground. Neither officer approaches § 87(2)(b) or looks in her direction further. At the 00:13 mark, § 87(2)(b) sits up on the ground, placing her hands behind her head. She does not have any visible injuries.

§ 87(2)(b)'s cell phone video (**BR03**), taken at the hospital after the incident, captures § 87(2)(b) explaining that she was peacefully protesting with a group of people, in front of a "crowd" of officers, when one of the protesters threw a bottle, causing the officers to "stampede" toward the civilians. § 87(2)(b) began recording the incident. As she was "running backwards," PO Dandraia pushed her phone. She asked him, "why?" as she was not the individual who threw the bottle. § 87(2)(b) states that she was not aggressive and there was no reason for PO Dandraia to "throw" her.

In her statement to the Internal Affairs Bureau (**BR04**), § 87(2)(b) stated that when initially interacting with PO Dandraia, she did not say anything other than, "why," and had not come into physical contact with PO Dandraia. After PO Dandraia slapped her cell phone out of her hand, § 87(2)(b) immediately tried to put her hands over her head to indicate peace. As soon as she lifted her hands, still holding her phone, PO Dandraia called § 87(2)(b) a "stupid, fucking, bitch," and pushed her. § 87(2)(b) fell to the ground, losing a shoe, and hitting the back of her head on the curb a few feet away. None of the officers present stopped to help § 87(2)(b). She did not immediately lose consciousness, but later learned that she had a seizure and was taken to the hospital.

§ 87(2)(b)'s attorney, Aymen Aboushi, declined to have § 87(2)(b) provide a statement to the CCRB regarding this incident.

PO Dandraia (**BR05**) stated that when § 87(2)(b) first approached him, he was initially unable to estimate her dimensions, other than her being smaller than him. Her stature did not alleviate his safety concern, as he stated that he has recovered weapons from 4'11" tall, 100 pound women before. Immediately after swiping away § 87(2)(b)'s cellphone, PO Dandraia looked to his right and then his left, where he saw § 87(2)(b) drawing her right arm back, with a closed fist, and pushing her right shoulder back. § 87(2)(b) moved her closed fist toward PO Dandraia. When her fist was about a foot from PO Dandraia's chest, close to his face, he used two flat palms to push § 87(2)(b)'s shoulders backward. § 87(2)(b) stumbled backwards as a result of the push. PO Dandraia did not see how far back § 87(2)(b) stumbled or whether she fell to the ground.

PO Dandraia viewed video of § 87(2)(b) falling to the ground, but this did not refresh his memory of ever having witnessed this at the time. PO Dandraia chose to use a push because it was the minimal amount of force available to get § 87(2)(b) who he thought was trying to punch him, away from him. PO Dandraia did not make any statements to § 87(2)(b) apart from instructions to get off the street. He did not use profanity when speaking with her, and he denied calling her a "stupid, fucking, bitch." He did not hear anyone else make a statement like that to § 87(2)(b). § 87(2)(b) did not make any statements during or after the push. He continued walking and did not stop to assess if § 87(2)(b) needed medical attention, nor did he place her under arrest because his primary concern was his safety.

PO Dandraia explained that, given the amount of people in the area, he needed to keep moving to avoid being attacked. PO Dandraia was outnumbered by violent protesters and did not believe it was safe to effect an arrest at that point. PO Dandraia noted that under normal circumstances, he would arrest an individual after pushing them and provide medical attention if needed. However, given that these were not normal circumstances, and he had not been given specific training on how to respond after he used force during a riot (PO Dandraia received basic training in the police academy regarding protests and providing medical attention during protests, but no further training prior to this incident. Extensive trainings on "riots" began after the 2020 protests.), PO Dandraia did not stop to effect the arrest and continued walking toward the Barclays Center to assist the officers there.

As noted above, Deputy Inspector Edelman (**BR06**) could not recall his general impressions of § 87(2)(b)'s build and was not paying close attention to the interaction between her and PO Dandraia because he was turning his head to survey the area for potential threats. When Deputy Inspector Edelman next saw § 87(2)(b) she was in the process of falling backward from her feet toward the ground. He did not see PO Dandraia push her or the moments leading up to her falling toward the ground. Deputy Inspector Edelman did not see § 87(2)(b) make contact with the ground, did not know the position in which she landed, and did not know if she actually landed on



the ground. Deputy Inspector Edelman thought that PO Dandraia and § 87(2)(b) “engaged in a physical contact,” but he did not know what had happened between them, what may have sparked the physical contact, and did not actually see any physical contact between them. Prior to seeing § 87(2)(b) as she was falling, Deputy Inspector Edelman had not made any observations of her that he thought were threatening in nature. Based on his observation of § 87(2)(b) falling backward from her feet toward the ground, it did not seem to him as though it were possible for her to be seriously injured, so he continued to walk forward to Fourth Avenue while continuing to look around him for possible threats to his and his officers’ safety. Deputy Inspector Edelman denied ever hearing PO Dandraia call § 87(2)(b) “stupid, fucking, bitch!” and he did not hear PO Dandraia use any other profanity during the incident.

Threat, Resistance, and Injury Report § 87(2)(b) (BR10), prepared by PO Dandraia, notes that he conducted a forcible takedown in self-defense, given that § 87(2)(b) was menacing or brandishing a weapon. § 87(2)(b) complained of substantial pain and was removed to the hospital in regards. § 87(2)(b) is described as a 5’5” tall female, who weighs 130 pounds.

PO Dandraia’s MOS Photograph notes that he is a 6’ tall male, who weighs 220 pounds (BR25). His pedigree information sheet, which he provided during his CCRB interview, notes that he is a 6’ tall male, who weighs 200 pounds (BR26).

§ 87(2)(b) (BR12) notes that, at 8:44 p.m., a 911 call reported an AIDED female at Pacific Street and 4<sup>th</sup> Avenue. The female was having a seizure and EMS was requested to the location. At 10 p.m., § 87(2)(b) was removed to § 87(2)(b) Hospital.

Although PO Dandraia (BR 05) stated that he had prepared an AIDED report in regard to this incident, the Department Advocate’s Office produced negative results for any AIDED reports prepared for § 87(2)(b) pertaining to this incident (BR13).

Patrol Guide Procedure 221-01 states that when determining if force is reasonable, uniformed members of service should consider the following: “The nature and severity of the crime/circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of MOS, size, age, and condition of the subject in comparison to the MOS, subject’s violent history, if known, presence of hostile crowd or agitators, subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.” (BR08).

Patrol Guide Procedure 221-02 states that when a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with P.G. 221-01 and do the following: Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody and utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, among other additional steps. When any level of force is used, officers are required to inquire if the subject requires medical attention and document the response to inquiry in their activity log. They are also required to observe the subject closely for injuries, signs of serious illness, or difficulty breathing. Immediately after the use of force, officers are required to inform their supervisor about the type of force used, the reason for the force, and injury to any person involved (BR09).

§ 87(2)(g)

It was undisputed by all parties that § 87(2)(b) who was approximately 5’5” tall and weighed approximately 130 pounds, was smaller in stature than PO Dandraia, who was 6’ tall and weighed between 200 and 220 pounds. Although PO Dandraia noted that size does not factor into the degree to which he considers someone to be a threat, per the Patrol Guide, it is a factor that an

officer needs to consider when determining the appropriate amount of force to use in any given situation. In this instance, PO Dandraia had assessed, for at least the nine seconds captured in § 87(2)(b)'s video prior to him slapping away the phone (BR01), that § 87(2)(b) was physically smaller than him. While he stated he was not sure if she had been holding a weapon, at the time of the push, he had already slapped down the phone.

While it was undisputed that the general circumstances of the protest were fluid and chaotic, the protestors on the stretch of Pacific Street on which they were walking were not otherwise interacting with officers and were walking in one direction at an average and steady pace.

§ 87(2)(g)

Although PO Dandraia did not recall the physical reaction § 87(2)(b) had to being pushed, he is clearly captured on video looking at § 87(2)(b) as she falls to and lands on the ground. As noted in the Patrol Guide, PO Dandraia was required to assess § 87(2)(b) for injuries and ask her if she required medical attention. § 87(2)(g) the fact that he saw her fall backward to the ground, possibly hitting her head, and that the conditions on Pacific Street were comparatively ordered, § 87(2)(g)

Deputy Inspector Edelman was not sure what led to § 87(2)(b) falling backwards and did not see her make contact with the ground. Instead, he was focused on assessing the crowd for potential threats. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

#### Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) (BR14) and § 87(2)(b) (BR15) have been parties.
- PO Dandraia has been a member of service for seven years, during which he has been named the subject in 12 other CCRB complaints and 28 allegations, six which have been substantiated:
  - 201902270 includes allegations of failure to provide RTKA card, a frisk, a search of person, which were substantiated, and an allegation of failure to prepare stop and frisk report, § 87(2)(g), § 87(4-b) PO Dandraia received instructions and formalized training.
  - § 87(2)(g), § 87(4-b)
  - 202002387 involves an allegation of physical force, which was substantiated. The CCRB recommended command discipline B.
  - § 87(2)(g)
- Deputy Inspector Edelman has been a member of service for 19 years, during which he has been named the subject in three other CCRB complaints and 10 allegations, three of which have been substantiated:
  - 201305427 involves allegations of a frisk and a stop, which were substantiated, § 87(2)(g), § 87(4-b)

#### Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- On September 28, 2022, the office of the New York City Comptroller confirmed that § 87(2)(b) has filed a notice of claim regarding this incident (BR16). The 50H hearing details will be added to this report upon receipt of a response for the requested information.
- § 87(2)(b)

Squad: 10

Investigator:	<u>Jessica Russo</u>	<u>Inv. Jessica Russo</u>	<u>11/16/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Maura R. Roche</u>	<u>IM Maura R. Roche</u>	<u>11/16/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date